



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

Country: Albania

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2011)

3 195 000

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	2 614 398 000
Regional / federal entity level (total for all regions / federal entities)	NA

3) Per capita GDP (in €)

3 149

4) Average gross annual salary (in €)

3 772

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

138.77

A.1

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Ministry of Finance, INSTAT

1. 2. Budgetary data concerning judicial system

1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	10 552 685
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	8 233 494
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	189 861
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	1 498 660
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	80 767
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	516 834
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	33 069
7. Other (please specify):		NA

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

for criminal cases?

for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

According to the law on judicial service fees, taxes are not paid for certain categories: maintenance requirements, lawsuits on return to work. In cases of civil lawsuits related to victims of human trafficking the receipt of the tax rate to the value of the lawsuit is not applied, in order to encourage the victims to raise this allegation.

9) Annual income of court taxes or fees received by the State (in €)

1 593 407

10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA

53 278 944

11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court system	Yes
Legal aid	No
Public prosecution services	No
Prison system	Yes
Probation services	Yes
Council of the judiciary	No
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	Yes

Comment :

There are other budgetary elements as follow:

General State Advocate, Enforcement Service, Official Publication Center, Institute Of Legal Medicine , Adoption Committee in Albania, Agency for the Restitution and Compensation (PRCA), The Registry of Real Estate

12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	21429	10179	11250

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.

Amount

8 901 893

Comment :

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	No	No	No	No
Other ministry	No	No	No	No
Parliament	No	No	No	No
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	Yes	No	No	No
Inspection body	No	No	No	No
Other	No	Yes	Yes	Yes

15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

Judicial Budget Administration Office.

The board of the Judicial Budget Administration Office is composed of the chairmen of courts, one representative of the Ministry of Finance and one of the Ministry of Justice etc. According to Art. 9 Law Nr. 8363, dated 1.7.1998

Duties of the board are:

- Approves the draft budget presented by the Office for every level of the courts, and sends it for review to the competent organ for the approval of the state budget.
- Controls the use of the allocated funds and analysis the requirements of courts for funds that may be needed during the budgetary year.
- Approves the transfer of budgetary funds with the competencies that the law allows and the use of the reserve fund.
- Nominates and impeaches the director of the Office. The nomination of the director of the Office is made by secret ballot and with alternative candidatures.
- Determines the structure of the Office, as well as the number of its administrative staff, and the criteria for their nomination.
- Determines salaries of the Office's staff in compliance with the general criteria for the determination of salaries of the administration staff.
- Approves the regulation for the functioning of the Office.

A.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Question 6#2#3 : In 2010 the total investment budget approved by the Law on Judicial Power has increased 3 times compared to 2008 and in this context is also increasing the budget allocated for the purchase of electronic equipment necessary for the courts. Investment priorities have been the same, but their realization depends on the budget approved each year.

Question 6#2#4 : The approved budget for current expenses for the Judicial Power for the year 2010 has decreased compared to 2008. Specific for the year 2008 has been included in the budget for these expenses for 8 courts, whose activity was abrogated in August of that year. In this group, for both two years are including the expert lawyer costs.

Question 6#2#5 : In the context of increasing of the budget for investments, the budget allocated for maintenance of court buildings has increased too.

Question 6#2#7 : The annual public budget allocated to training and education is increased because of the increased number of judges participating in professional training developed by the School of Magistrates (accommodation and transport them).

Question 10 : Total annual budget approved by the Law on Judicial Power has been:

For 2008 is 10,727,875 euro

For 2010 is 12,413,058 euro

Regarding Judicial Power, the total budget approved by the law has increased by about 15.7%. Regarding the whole justice's system, it has to take into consideration this tendency also for other institutions involved in it.

Question 12 : The Structure of the Legal Aid Commission is established on date 02.02.2011 by decision of the Council of Ministers, so there was no budget during the years 2008-2010. In 2008, there was no Legal Aid Commission in Albania, while in 2010 in the budget was only included the salary of the President of the Commission.

Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.

Judicial Budget Administration Office, Public Prosecution Office

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

If yes, please specify:

The fee for the submission of the complaint;

-Value of the complaint;

-Payments for stamps;

-Lawyers and experts' fees.

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

If yes, please specify:

-Request for the issuance of enforcement order;

-Payment for stamps;

-Payment for the debtor.

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	Yes	Yes

Comment :

-Expenditures for notarization of documents

-Travel Expenses

20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	NA
in criminal cases	NA
other than criminal cases	NA

Comment :

The Commission is under the procedure of reviewing the requirements that have been submitted for representation to the

court.

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

According the articles no. 6 and no.49 of Procedure Criminal Code ;
According to the Low No. 10 0 39, dated 22.12.2008 " On legal aid"

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

Yes

No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NA	NA
for other than criminal cases?	NA	NA

Comment :

The applicant should be included in social protection programs or fulfill the participation requirements.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

If yes, please explain the exact criteria for denying legal aid:

- in cases where the request is manifestly unfounded on law
- if the cost of legal aid exceeds the value of the case

25) Is the decision to grant or refuse legal aid taken by :

the court?

an authority external to the court?

a mixed decision-making authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

Yes

No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Regarding question 27:

The State Commission for the legal aid is organized and functions according to law No. 10 039, dated 22.12.2008 "On Legal Aid" and the following decisions:

- Decision No. 1, dated 25.06.2011 "On priorities in legal aid matters for 2011 and 2012."
- Decision No. 2, dated 25.06.2011 "On rules of appointment of lawyers, lawyer's offices and non-profit organizations providing legal aid".
- Decision No. 3, dated 25.06.2011 "On approval of the application form for the benefit of legal aid and the documents attached to the form".
- Decision No.4, dated 25.06.2011 "On determination of the amount of compensation of lawyers who will provide primary and secondary legal aid."
- Decision No. 5, dated 25.06.2011 "On evaluation criteria, forms, and quality control standards in providing legal aid".

Please indicate the sources for answering the questions 20 and 23

The State Commission for legal aid

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address (es): Yes www.qpz.gov.al
- case-law of the higher court/s? Internet address(es): Yes www.gjykataelarte.gov.al; www.gjk.gov.al
- other documents (e.g. downloadable forms, online registration)? Yes www.justice.gov.al; www.kld.gov.al

Comment :

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
 No

If yes, please specify:

According to Art.158/a Civil Procedure Code, the judge has to set up a preparatory session in order to make the time frames of the proceeding foreseeable. In the preparatory session the judge shall discuss with the parties how and when evidences (including witnesses) has to be presented or clarify the legal arguments on which the claim is based, or to ask the parties if legal aid is needed etc.

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

Yes No

If yes, please specify:

Victims of domestic violence: www.mpcs.gov.al/dpshb/sq/fjale/66-denonco-dhunen;Victims of Trafficking: www.moi.gov.al (free number 0800 12 12)

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	Yes	Yes	No
Victims of terrorism	Yes	Yes	No
Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	Yes	Yes	Yes
Ethnic minorities	No	No	No
Disabled persons	Yes	Yes	No
Juvenile offenders	Yes	Yes	Yes
Other (e.g. victims of human trafficking)	Yes	No	No

Comment :

Victims of trafficking are offered unconditionally rehabilitation assistance, even if she/he is not ready to collaborate with the investigative units. It is prohibited to publish personal details and photographs of minor defendants and witnesses, accused or injured by the criminal offence; and they can not be arrested when accused of a criminal contravention (Art. 103, 255 Criminal Code).

Victims of domestic violence may request from the relevant court, as an urgent interim measure, to prohibit the partner accused of violence to reside in the common place (Art. 62 Family Code).

32) Does your country allocate compensation for victims of crime?

 Yes No

If yes, for which kind of offences

Victims of organized crime have the possibility of being compensated through a public (state) fund consisting of confiscated assets from organized crime (Art. 37 et. seq On Preventing and Striking at Organized Crime Trafficking through Preventive Measures Against Assets). Additionally, victims are in general entitled to claim compensation in criminal and civil proceedings.

33) If yes, does this compensation consist in:

 a public fund? damages to be paid by the responsible person (decided by a court decision)? a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

 Yes No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
 No

If yes, please specify:

According to Art.59/2 of the Criminal Code the prosecutor participates in trials initiated by the aggrieved accuser in certain criminal cases and may request the conviction of the accused.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".

- Yes
 No
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

According to Art.325, 329 of the Criminal Code the victim is entitled to appeal the decision of the prosecutor dismissing the charge or the case in the district court.

2. 2. 2. Confidence of citizens in their justice system

37) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
 non execution of court decisions?
 wrongful arrest?
 wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

Parties are entitled to request compensation for wrongful detention or imprisonment in proportion with the duration of the sentence and personal and familiar consequences deriving from the sentence. The request has to be submitted to the secretary office of the court that has rendered the decision. There is no daily fee; the amount of compensation depends on individual circumstances. Funds are provided by the Ministry of Finance.

A second possibility is the law on the liability of public entities for misconduct, which also provides compensation mechanism for persons who have suffered damages, which includes also the cases on non-execution of court decisions.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (Satisfaction) surveys aimed at judges
 (Satisfaction) surveys aimed at court staff
 (Satisfaction) surveys aimed at public prosecutors
 (Satisfaction) surveys aimed at lawyers
 (Satisfaction) surveys aimed at the parties
 (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
 (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

We don't have any special surveys to measure their trust and/or satisfaction with the services delivered by the judicial system

39) If possible, please specify:

	Surveys at a regular interval (for example annual)		Occasional surveys
--	--	--	--------------------

Surveys at national level	No	No
Surveys at court level	No	No

40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the treatment of a case by a judge or the duration of a proceeding)?

Yes

No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	No	No	No
Higher court	Yes	No	No
Ministry of Justice	Yes	No	No
High Council of the Judiciary	No	No	No
Other external bodies (e.g. Ombudsman)	No	No	No

Comment :

The Ministry of Justice and the High Council of Justice are the authorities responsible for investigating complaints of different subjects on the functioning of the judicial system. These two authorities examine complaints through Judiciary Inspection Department and the Inspectorate of the HCJ. If the authorities deem the claims reasonable they can inspect them at the courts of the two instances of trial. The inspection conclusions are presented to the Minister of Justice, in all cases if he deems that a judge has committed a violation then he decides to initiate disciplinary proceedings. The complainant is notified any conclusion after the treatment of the complaints. The public authority complements the request within 40 days of its submission, according to the law On the information, except the cases when the law provided otherwise. (In cases when the Ministry of Justice treats the complaints, there is a period of time to treat the claims, within one day to 15 days, in order that the issues of the different subjects will be resolved within a short time)

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	22
42.2 First instance specialised Courts (legal entities)	1
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	33

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Total (must be the same as the data given under question 42.2)	1
Commercial courts	0
Labour courts	0
Family courts	0
Rent and tenancies courts	0
Enforcement of criminal sanctions courts	0
Administrative courts	0
Insurance and / or social welfare courts	0
Military courts	0
Other specialised 1st instance courts	1

Comment :

Court of First Instance for Serious Crimes.

44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

If yes, please specify:

The decree of the President of the Republic dated 01.09.2009 establishes the reorganization of district courts in 22 judicial districts by merging 8 courts. The law on establishment of the Administrative Court is expected to be approved within a few months, to deal with the administrative adjudication of cases that until now have been tried by specific sections created at district courts.

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number of courts

a debt collection for small claims	22
a dismissal	22
a robbery	22

Please give the definition for small claims and indicate the monetary value of a small claim:

The Albanian legislation specifies that a lawsuit may be brought to all competent First Instance Courts for small claims. The only division between the way of adjudication of small and large claims, is provided by Article 35 of the Civil Procedure Code, which reads as follows: The Court adjudicates with a panel of three judges, lawsuits which are worth more than 20 million ALL and lawsuits challenging administrative acts amounting to more than 20 million LEK, only if a party requests so in the preliminary hearing. Meanwhile, other cases are adjudicated by 1 judge. Hence, lawsuits of less than 20 million ALL may be called small-claim lawsuits.

Please indicate the sources for answering questions 42, 43 and 45:

Ministry of Justice

3. 1. 2. Judges and non-judge staff

46) Number of professional judges sitting in courts (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.]

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	373	221	152
1. Number of first instance professional judges	289	163	126
2. Number of second instance (court of appeal) professional judges	68	47	21
3. Number of supreme court professional judges	16	11	5

Comment :

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	31	21	10
1. Number of first instance court presidents	23	17	6
2. Number of second instance (court of appeal) court presidents	7	4	3
3. Number of supreme court presidents	1	0	1

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure

NAP

If possible, in full-time equivalent

NAP

Comment :

In Albania, there is no judge to try cases occasionally but all judges are appointed on a full time basis

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).

Gross figure

NAP

50) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

51) Number of citizens who were involved in such juries for the year of reference:

NAP

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) Yes 775

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NAP

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars Yes 405

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) Yes 92

4. Technical staff Yes 162

5. Other non-judge staff Yes 116

Comment :

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

Yes

No

If yes, please specify:

President of the Court signed the Contracts with private providers (for IT Services, clearing etc.) , always considering the budget that he has at the disposal.

C.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Question 52#2#6 : It is necessary to specify that this data include Supreme Court administrative staff and Office of Judicial Budget.

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Regarding the sources for answering questions 46, 47, 48, 49 is The High Council of Justice ; regarding the sources for answering question 52 is The Office of Judicial Budget

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	314	226	88
1. Number of prosecutors at first instance level	268	188	80
2. Number of prosecutors at second instance (court of appeal) level	28	23	5
3. Number of prosecutors at supreme court level	18	15	3

Comment :

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	33	30	3
1. Number of heads of prosecution offices at first instance level	23	22	1
2. Number of heads of prosecution offices at second instance (court of appeal) level	7	6	1
3. Number of heads of prosecution offices at supreme court level	3	2	1

Comment :

Regarding the number of the chairmen at the General Prosecutor's Office, we explain as follows: there are 2 Directors of Directorates (prosecutors) at the General Prosecutor's Office, who are introduced as leaders and the Attorney General too. Regarding the directors who have civil service status, they are not introduced as leaders. In the first instance prosecutors, we have established only leaders and not deputies.

57) Do other persons have similar duties to public prosecutors?

Yes

No

Number (full-time equivalent)

58) If yes, please specify their title and function:

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

Yes

No

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number

NAP

C.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 55, 56 and 60

The data are taken from the Human Resources Department at the General Prosecutor's Office.

3. 1. 4. Court budget and new technologies

61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	No	No	Yes	Yes
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other	Yes	Yes	No	No

Comment :

Other :

The Office of Judicial Budget is entrusted the preparation of the budget

The financial office of the court is entrusted for arbitration and allocation

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

63) For administration and management, what are the computer facilities used within the courts?

Case registration system	+50% of courts
Court management information system	+50% of courts
Financial information system	0 % of courts
Videoconferencing	0 % of courts

64) For the electronic communication and exchange of information between the courts and their

environment, what are the computer facilities used by the courts?

Electronic web forms	0 % of courts
Website	100% of courts
Follow-up of cases online	100% of courts
Electronic registers	100% of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	100% of courts
Videoconferencing	100% of courts
Other electronic communication facilities	100% of courts

65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	No	Yes	No

Comment :

There are several laws on videoconferencing.

Law no. 9205 "On Protection of Witnesses and Collaborators of Justice"

Law no. 9110 "On Organization and Functioning of the Serious Crimes Court";

Criminal Procedure Code

C.3

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

Regarding the question 64 for the electronic communication and exchange of information between the courts and their environment please find the answer below:

web forms 0%

Website 5%

Follow-up of cases online 30%

Electronic registers 20%

Electronic processing of small claims 0%

Electronic processing of undisputed debt recovery 0%

Electronic submission of claims 25%

Videoconferencing 0%

Other electronic communication facilities LAN (share)

3. 2. Performance and evaluation

3. 2. 1. Performance and evaluation

66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

Yes

No

If yes, please indicate the name and the address of this institution:

Statistics Office at the Ministry of Justice.

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on

the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Yes

No

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

number of incoming cases?

number of decisions delivered?

number of postponed cases?

length of proceedings (timeframes)?

other?

If other, please specify:

Courts are requested to provide to the Ministry of Justice on quarterly basis case statistics regarding the number of decisions, length of proceedings, incoming cases, cases adjudicated by individual judges etc. The Ministry of Justice is then responsible for analysing the information and drafting a statistical report on an annual base.

Information obtained through general inspections reports organised by the High Counsel of Justice or the Ministry of Justice is also included in the annual statistical report. The report is public and every person can monitor the court activity performance (see for example www.gjykataetiranes.gov.al).

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

Yes

No

Please specify:

Professional evaluations of judge's performance is carried out by the High Counsel of Judiciary (HCJ), the HCJ establishes the criteria for the evaluation of judges, controls and guarantees the process of evaluation and reviews complains of judges regarding their evaluation. The majority of the members of the HCJ are chosen judges by the National Judicial Conference. Courts presidents are also involved in the evaluation of judges.

The Ministry of Justice based on statistical reports is also responsible for the preparation of legal and administrative recommendations issues concerning the judicial organisation, such as number of courts, number of administrative staff within the judiciary etc in order to continuously improve the performance of court.

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

Yes

No

71) Please select the 4 main performance and quality indicators that have been defined:

incoming cases

length of proceedings (timeframes)

closed cases

pending cases and backlogs

productivity of judges and court staff

percentage of cases that are processed by a single sitting judge

- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
- No

73) Who is responsible for setting the targets for each judge?

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

If other, please specify:

High Counsel of Justice has established the evaluation criteria for single judges by decision and has issued a decision on the expectable workload per each judge per year according to different case types.

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- Yes
- No

75) Who is responsible for setting the targets for the courts?:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- other

If other, please specify:

76) Please specify the main targets applied to the courts:

Respecting the time limits imposed by procedural law in administrative cases. Reducing backlogs and pending cases. The adjudication of at least 200 cases per year, as an evaluation requirement, by a single sitting judge. Well reasoning and sustainability of decisions lower court instance.

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, please specify:

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
 No

If yes, please specify:

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
 No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

- in civil law cases
 in criminal law cases
 in administrative law cases

81) Do you monitor waiting time during court procedures?

- Yes
 No

If yes, please specify:

Requesting information from the court president. Some courts have also published in their WebPages procedural steps taken during a court procedure.

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- Yes
 No

Please specify the frequency of the evaluation:

General Inspections (with data gathering character) are performed following a detailed schedule approved by the High Counsel Justice (or in coordination with the Ministry of Justice) with the purpose of evaluating the functioning of the courts mainly within a period of two years, based on a preliminary agenda. However depending on the results of the last visit, the frequency may increase. Ministry of Justice also based on an annual work calendar - in coordination with the High Counsel of Justice - inspects courts regarding work organisation and work of legal services and legal administration in general.

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
 No

If yes, please give further details:

General Prosecutor or the Minister of Justice performs general or thematic inspection. A part from it the General Prosecutor and the Minister of Justice have to prepare an annual analytical report for the Parliament regarding General Prosecutor or the Minister of Justice performs general or thematic inspection. A part from it the General Prosecutor and the Minister of Justice have to prepare an annual analytical report for the Parliament regarding the progress on fighting criminality, intensity of criminality, recent forms of criminality etc.

C.4

You can indicate below:

- **any useful comments for interpreting the data mentioned in this chapter**
- **the characteristics of your court monitoring and evaluation systems**

4. Fair trial

4. 1. Principles

4. 1. 1. General information

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?

NAP

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes

No

If possible, number of successful challenges (in a year):

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NA	NA	NA	NA
Civil proceedings - Article 6§1 (non-execution)	NA	NA	NA	NA
Criminal proceedings - Article 6§1 (duration)	NA	NA	NA	NA

Please indicate the sources:

Ministry of Justice

D.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter

Regarding to the question 85, It is not possible to give this kind of statistics because we do not have a monitoring system to determine the number of cases.

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

there is no specific procedure

If yes, please specify:

Interim Measures (Securing Measures or Preliminary Injunctions) are possible in all three types of cases (according to the relevant procedural laws).

88) Are there simplified procedures for:

civil cases (small disputes)?

criminal cases (small offences)?

administrative cases?

there is no simplified procedure

If yes, please specify:

According to Art.334 Criminal Procedure Code, Defendant or Prosecutor may demand for direct or accelerated trial. In civil cases with the new (draft) changes in the Civil Procedure Code cases not exceeding 8500 Euro are adjudicated in an accelerated procedure in accordance with the Late Payment Directive. According to the changes 2008 the single judge is competent for claims not exceeding 150000 Euro.

89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

Yes

No

If yes, please specify:

Only within the limits of Art.158/a of Civil Procedure Code (preparatory session). However no agreement is signed in this case. (Please also refer to question 32)

4. 2. 2. Caseflow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	11 249	55 396	53 106	13 539
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	6 930	18 645	17 356	8 219
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	2 371	32 267	32 018	2 620
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases**	NA	NA	NA	NA
5. Business register cases**	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	1 948	4 484	3 732	2 700
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

1. REQUEST without adversaries (GENERAL CIVIL CATEGORIES)

- a. Seniority certificate
- b. Inheritance certificate
- c. Ownership certificate
- d. Execution Order (as the request made by the concerned party)
- f. Other

2. REQUEST without adversaries (FAMILY MATTERS)

- a. Request for adoption
- b. Correction in civil status acts
- c. Request for issuance of authorization for the minor
- d. other

3. REQUEST without adversaries (COMMERCIAL MATTERS)

- a. Request for Administrator `s appointment
- b. Request for change of company name
- c. Request for change of number of partners
- d. Request for change of initial capital
- e. Request for change of company headquarters
- f. Other

93) If "other cases", please indicate the case categories included:

In the item "Others", each category has item "Other" and cannot be treated in isolation.

94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	2 283	8 473	7 857	2 899
8. Criminal cases (severe criminal offences)	54	62	59	57
9. Misdemeanour and / or minor offences cases	2 229	8 411	7 798	2 842

95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).

Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".

1. In "severe Criminal Cases" are included Criminal Matters involving the Serious Crimes Court.
2. "Misdemeanour and / or minor criminal Cases" includes all courts of first instance except the Serious Crimes Court.

96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.

1. Is the total number of Civil matters.
2. Is the total number of civil matters, "with adversary parties by subtracting the total number of administrative matters
3. Is the total number of civil matters, "without adversary parties
4. Is the total number of administrative matters

97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10

Total of other than criminal law cases (1+2+3+4+5+6+7)	5 537	6 000	5 767	5 770
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	NA	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NA	NA	NA	NA
5. Business register cases	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	1 891	3 115	2 799	2 207
8. Criminal cases (Severe criminal offences)	16	60	62	14
9. Misdemeanour and/or minor offences cases	1 875	3 055	2 737	2 193

Comment :

99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	4 935	2 970	1 586	6 319
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NA	NA	NA	NA
5. Business register cases	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate

NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	1 528	1 979	1 491	2 016
8. Criminal cases (severe criminal offences)	112	162	126	148
9. Misdemeanour cases (minor offences)	1 416	1 817	1 365	1 868

Comment :

101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	1 099	4 871	4 669	1 301
Employment dismissal cases	407	2 094	1 746	755
Robbery cases	30	93	80	43
Intentional homicide	NA	NA	NA	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

In non-litigious divorce cases a draft agreement is presented to the court signed by both partners. The court may after consultation with each partner alone and together, approve the agreement by decision. If the judge realises that the agreement doesn't provide enough security for the children or one of the partners, he shall suspend the procedure for three months and if the partners, after the suspension of the procedure, have not rectified the agreement accordingly, the judge shall refuse the approval for the non-litigious divorce.

104) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

Calculation of the case turnover ratio dividing 365 according to the GOJUST Guidelines formula for the calculation of the disposition time.

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal

- to supervise enforcement procedure
- to discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

Article 24 of the Criminal Procedure Code provides for as follows:

1. The prosecutor exercises criminal prosecution, conducts investigation, checks pre-trial investigations, raises charges before the court and takes measures for the execution of decisions in accordance with the certain rules in this Code. 2. The prosecutor has the right to not initiate or cease criminal proceedings in the cases provided by this Code. 3. When an appeal or authorization for the proceeding is not necessary, the prosecution is exercised ex-officio.

Article 2 / 1 of the Law No.8737, dated 12.02.2001, as amended, "On organization and functioning of the Pr the Prosecutor's Office in the Republic of Albania", provides that:

1. The Prosecutor's Office exercises criminal prosecution and represents the accusation in the name of the state to court, takes actions and oversees the execution of criminal decisions, and performs other duties prescribed by law.

Regarding the point on the appeal, we clarify that the prosecutor, pursuant to Article 408 of the Code of Criminal Procedure may claim an appeal of the court decision. As regards the dismissal of case, it is based on article 328 of the Criminal Procedure Code.

106) Does the public prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

As we stated above, the prosecutor's office exercises criminal prosecution, so its role as an institution is related to criminal cases, not to civil ones.

However, in specific legal provisions, the prosecutor is recognized attributes of participation in the civil process not in the quality of a party to the conflict but as a prosecutor, specifically:

Article 375 of the Civil Procedure Code provides for as follows:

The application for the declaration of missing or deceased person may be submitted by any interested party and the prosecutor to the Court where the person for which the announcement was made, had his/her last residence.

Article 382 of the Civil Procedure Code provides for as follows:

Removal or limitation of the ability to act is done at the request of the spouse, the next of kin, the prosecutor, as well as persons who have legitimate interests in this fact.

Article 173 / 2 of the Family Code, "Refusal of recognition" provides for as follows:

The prosecutor has also the right to refuse recognition, in case the data appearing in civil registry acts, prove the inaccuracy of maternity and paternity declared.

Article 234 / 2 of the Family Code provides:

A legal action that is performed without the authorization of the court may be declared invalid at the request of the prosecutor, the parent or custodian of a juvenile.

Article 255 of the Family Code "Intervention in the process" provides for as follows:

Any person having a legitimate interest in protecting juveniles and the prosecutor may intervene in the adoption process and have the right to appeal against the court decision.

107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	19 157	11 749	6 286	7 189

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	11 749
1. Discontinued by the public prosecutor because the offender could not be identified	6 815
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	4 934
3. Discontinued by the public prosecutor for reasons of opportunity	NAP

109) Do the figures include traffic offence cases?

Yes

No

D.2

You can indicate below:

any useful comments for interpreting the data mentioned in this chapter

the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

For the year 2010,37 criminal cases have been registered for trafficking in human beings provided by articles 110 / a, 114 / a, 114 / b of the Criminal Code. Of these 27 defendants were brought to the court and 18 were tried. D.2 You can indicate as below: § Any comments useful for interpreting the data mentioned in this chapter. § Characteristics of your system, including the procedure timeline and key reforms implemented during the last two years. Regarding question 108 point "1" Dismissal by the public prosecutor because the offender can not be identified, we would like to clarify that provision is made to Article 326 of the Code of Criminal Procedure, in case when the perpetrator cannot be identified and the prosecutor decides to suspend the file and not to dismiss the case. For the period of investigation the prosecutor is based on the Code of Criminal Procedure, articles 323, 324. During these two years, in cooperation with other Institutions, some amendments are made to the law of the prosecutor's office, No.8737, dated 12.2.2001 as amended by Law No. 10 051, dated 29.12.2008 "On organization and functioning of the Prosecutor's Office in the Republic of Albania " Law No. 10301, dated 15.07.2010, "On some additions and amendments to the Law No.8677, dated 02.11.2002" On organization and functioning of the judicial police ", as amended. Please indicate the resources to answer questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108. The information for questions 107, 108 is taken from the Department of Human Resources at the General Prosecutor's Office.

Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Ministry of Justice, General Prosecutor's Office

5. Career of judges and public prosecutors

5. 1. Recrutement and promotion

5. 1. 1. Recrutement and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

Judges are appointed by the President of the Republic upon proposal of the High Council of Justice. The Promotion of Judges is competence of the High Council of Justice.

113) Which procedures and criteria are used for promoting judges? Please specify.

The High Council of Justice (HCJ) is responsible for promotion of Judges. Promoting procedure and criteria, approved by decision of the HCJ, are: experience, general professional skills, professional judicial and technical skills, organizational and applicable skills, professional commitment skills (these criteria includes mainly the ability on planning specific actions related to the case-law, ability on utilizing judiciary knowledge, participation in different professional activities, hearing and communicative skills with parties and colleges etc.).

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
- No

115) Is the status of prosecution services:

- Indépendant?
- Under the authority of the Minister of justice ?
- Other?

Please specify:

The Prosecutor's Office is organized and functions under the direction of the Attorney General as a centralized structure, including the office of the Attorney General, Prosecutor's Office Council and prosecutor's offices at the judicial system.

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- An authority composed of public prosecutors only?
- An authority composed of non-public prosecutors only?
- An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

Recruitment and appointment of prosecutors involves several steps as follows: First: selection, competition: 1. The Director of the School of Magistrates, in accordance with vacancies determined by the Attorney General, posts notices for filing applications of the candidates, making known the documents to accompany the application, date of expiry of the deadline for their submission and list of subjects to serve as basis for testing of candidates. Applicants are subject to competition, which takes place in writing before a jury consisting of five persons appointed by the Steering Council. By the end of the contest winners draw the list of winners, approved by the Steering Council. The accepted candidates are required to attend the program regularly and respect the school regulation (Article 16, 17 of the Law No.8136 dated 31.07.1996 "On the School of Magistrates in the Republic of Albania"). 2. The Attorney General announces publicly the prosecutors' vacancies, at least one month before the date set for the conduct of competition. The announcement is made at least in two newspapers with national distribution and adequate circulation, and in the Public Radio Television. 3. The Prosecutor's Office Council evaluates the candidatures and submits its opinion to the Attorney General, who must decide within 15 days. 4. Detailed rules for submission, selection, verification and testing of candidates are determined by the Attorney General. (Article 20 of Law on Prosecutor's Office). Secondly, the appointment: 1 - The prosecutor at the prosecutor's office attached to the court of first instance is appointed by the President of the Republic, upon proposal of the Attorney General, after the latter has taken the opinion of the prosecutor's office council. 2. The prosecutor at the prosecutor's office before the court for serious crimes is appointed by the President of the Republic, upon the proposal of the Attorney General, on the basis of competition with biographies: a) after having worked not less than 5 years at the prosecutor's office at the court of first instance; b) be distinguished for professional skills and high ethical and moral qualities; c) have a "Very good" ranking for professional skills, for the two last times; d) not be subject to a disciplinary measure in force. 3. Among the prosecutors, who apply as candidates to the prosecutor's office at the court for serious crimes and who meet the requirements of paragraph 1 of this Article, the Council of the Prosecutor's Office and the Attorney General choose, according to the scores, the candidate, in accordance with the criteria set forth in paragraph 3 of Article 43 of this Law. 4. The president, within 30 days, shall decree the appointment as a prosecutor, of the candidate proposed by the Attorney General. After this deadline, the proposal is considered rejected. (Article 20 of the Law on Prosecutor's Office).

118) Is the same authority formally responsible for the promotion of public prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting public prosecutors:

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

1. The prosecutor at the prosecutor's office before the court for serious crimes is appointed by the President of the Republic, upon proposal of the Attorney General, on the basis of competition with biographies, after:
 - a) having worked not less than 5 years at the prosecutor's office attached to the court of first instance;
 - b) be distinguished for professional skills and high ethical and moral qualities;
 - c) gave a "Very Good" ranking for professional skills, for the two last times;
 - d) not have a disciplinary measure in force.
2. Prosecutor at the court of appeals' prosecutor's office is appointed by the President of the Republic, upon proposal of the Attorney General, on the basis of competition application documents, after:
 - a) having worked not less than 7 years at the prosecutor's office at first instance courts;
 - b) be distinguished for professional skills and high ethical and moral qualities;
 - c) has a "Very Good" ranking for performance evaluation, for the two last times;
 - d) not have a disciplinary measure in force.
3. General Prosecutor is appointed by the President of the Republic, upon proposal of the Attorney General, on the basis of competition application documents after:
 - a) having worked not less than 5 years at the prosecutor's office attached to the court of appeals or 12 years at the prosecutor's offices before courts of first instance;
 - b) be distinguished for professional skills and high ethical and moral qualities;
 - c) have a "Very good" ranking for performance evaluation, during the last two times;
 - d) not have a disciplinary measure in force.

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
 No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes
 No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:
 According to the Law no. 9877, dated 18.02.2008 " Organization of judicial power in the republic of Albania" , a judge can not move from duty, except when:

- a) resigns;
- b) reaches 65 years of retirement;
- c) sentenced with a final court for committing a crime
- d) is dismissed

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of probation period (in years)
	NAP

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes
 No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:
 The prosecutors are appointed for an indefinite period of time for exercising their duty. As regards the place for the exercise of duty, it is not permanent. The prosecutor may be transferred, promoted but for serious violations when a disciplinary case has been previously instituted, he may be also dismissed.

124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
	NAP

125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?

Yes

No

Please indicate the length of the mandate in years:

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?

Yes

No

Please indicate the length of the mandate (in years)

E.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

Comments about the question 116:

Regarding the recruitment of prosecutors in the Republic of Albania, this procedure is performed in two ways provided in Articles 17 and 18 of Law No.8737, dated 12.02.2001, as amended, "On organization and functioning of the Prosecutor's Office of the Republic of Albania".

First: a person who meets the following conditions is appointed prosecutor in one of the prosecutor's offices at the first instance courts:

- a) is an Albanian national;
- b) has full capacity to act;
- c) has higher legal education;
- ç) has completed the School of Magistrates;
- d) has not been convicted by a final decision for the commission of a criminal offense;
- dh) is not removed by public administration for disciplinary violations, within a period of three years from the application filing date, when the disciplinary violation was committed while holding office as a judge, prosecutor, police officer, notary public or lawyer, the term is five years ;
- e) is not less than 25 year old;
- ë) has high moral and professional qualities.

Secondly: A person who has not completed the School of Magistrates can be appointed as a prosecutor, if it meets other criteria specified in Article 17 of this law and one of the following conditions:

- a) has worked as a judge or prosecutor;
- b) has worked not less than 5 years as a judicial police officer.

Upon the proposal of the Attorney General, the President of the Republic may appoint at the first instance prosecutor's offices up to 10 percent of the total number of prosecutors, citizens who have previously worked as prosecutors, judges or judicial police officers, who meet the criteria of the letters "a", "b", "c", "d", "dh", "e" and "ë" of Article 17 and the letter "b" of this article.

Comment to the question 120:

The Attorney General, pursuant to Article 42 of Law No. 8737 dated 12. 02. 2001 "On organization and functioning of the Prosecutor's Office in the Republic of Albania", as amended, has designated the Rules "On System of Job Evaluation and Vocational and Moral Skills of Prosecutors".

For an assessment of work and professional and moral skills of prosecutors, to the effect of job stability, career advancement or appointment to leadership positions, etc., and to improve and develop personal and organizational performance, by encouraging a higher level of motivation and wider participation of prosecutors in the exercise of their functions to any prosecutor, head of the prosecutor or his deputy, formulates the preliminary evaluation draft act, evaluating the prosecutor for each evaluation criterion as described in the table for all criteria to be used for professional and moral evaluation of the prosecutor.

Comments to the question 126: Only the Attorney General has a definite term of office. Attorney General shall hold office for 5 years; with the right to reappointment (Article 7 point 1 / 1 of Law no. 8737 dated 12. 02. 2001 "On organization and functioning of the Prosecutor's Office in the Republic of Albania". After the expiry of the mandate, with his consent, he is entitled to be appointed to the post of prosecutor at the General Prosecutor's Office or in the previous or in a post equivalent to the previous one. He does not have this right, when discharged for violating the Constitution, for serious violations of law or acts and behavior that seriously discredit the position and reputation of the Attorney General (Article 7 point 1 / 3 of Law no. 8737 dated 12. 02. 2001 "On organization and functioning of the Prosecutor's Office in the Republic of Albania ", as amended). The Attorney General may be dismissed by the President of the Republic, upon the Assembly's proposal for a violation of the Constitution or serious violations of the law while exercising his functions, due to mental or physical incapacity, acts of conduct that seriously discredit the position and reputation of the Prosecutor. (Article 7 point 1 of law no. 8737 dated 12. 02. 2001 "On organization and functioning of the Prosecutor's Office in the Republic of Albania", as amended).

Comments to the question 126:

Only the Attorney General has determined period of time. Attorney General shall hold office for 5 years, with the right (Article 7 point 1 / 1 of Law no. 8737 dated 12. 02. 2001 "On organization and functioning of the Republic of Albania". After the end of the term , with his consent, he is entitled to be appointed to the post of prosecutor General Prosecutor's Office or the previous or in a place equivalent to the previous. he does not have this right, when discharged for violating the Constitution, for serious violations of law or acts and behavior that seriously discredit the position and reputation of the Attorney General. (Article 7 point 1 / 3 of Law no. 8737 dated 12. 02. 2001 "on organization and functioning of the Republic of Albania ", as amended). Attorney General may be removed by the President of the Republic, the Assembly's proposal for a violation of the Constitution or serious violations of the law while exercising, mental or physical incapacity, acts conduct that seriously discredit the position and reputation of the Prosecutor. (Article 7 paragraph 1 of law no. 8737 dated 12. 02. 2001 "on organization and functioning of the Republic of Albania", as amended).

Comments to the questions 122 and 124:

Before being appointed, the judges have to attend for 3 years the School of Magistrates when the first two years are theoretical and the last one is practice.

Comments to the questions 125 and 126 :

The prosecutors and the judges are appointed for an indefinite period of time for exercising their duty.

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Optional
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Optional
In-service training for management functions of the court (e.g. court president)	No training offered
In-service training for the use of computer facilities in courts	Optional

128) Frequency of the in-service training of judges:

General in-service training	Occasional (e.g. at times)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. court president)	No training offered
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Optional
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	No training offered
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Optional
In-service training for the use of computer facilities in office	Optional

130) Frequency of the in-service training of public prosecutors

General in-service training	Occasional (e.g. at times)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	No training offered
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).

If your judicial training institutions do not correspond to these criteria, please specify it.

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	No	No	No
One institution for prosecutors	No	No	No
One single institution for both judges and prosecutors	No	No	Yes

Comment :

In order to ensure continuous enhancement of the prosecutors' professionalism, to ensure law enforcement by all prosecutors under the same standards, and increase the efficiency of unique and centralized management of the Prosecutor's Office, the Attorney General, pursuant to Article 24 of the Code of Criminal Procedure and Article 8 of the Law "On organization of the Prosecutor's Office in the Republic of Albania", issued the Order No. 107, dated 18.05.2010, "On the process of training of prosecutors" for the establishment of the Training Organization Board(TOB).

* The School of Magistrates conducts each year programmed continuous trainings, with all topics including the Criminal Code and the Criminal Procedure Code, with all prosecutors of the prosecution system.

* There have been several agreements with the Ministry of Interior and with other institutions for continuous training on prosecutors and judicial police officers for specific topics.

* A special assistance for training of prosecutors and officers of the Task Force sections and not only, is provided by OPDAP, EURALIUS, USAID, the Police Assistance Mission of the European Union for Albania, etc., both in Albania and abroad.

E.2**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years

5. 3. Practice of the profession**5. 3. 1. Practice of the profession****132) Salaries of judges and public prosecutors.**

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	7 350	6 231
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	14 700	12 463
Public prosecutor at the beginning of	7 285	6 323

his/her career		
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	14 571	12 191

Comment :

Salaries of judges from 2008 to 2010 have increased by about 2% annually. The wage difference is due to exchange rate which for 2008 is 122.5 and for 2009 is 138.77.

The salaries in the Public prosecutor above table do not include other benefits such as bonuses or other benefits for special work conditions.

133) Do judges and public prosecutors have the following additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	Yes
Housing	No	Yes
Other financial benefit	No	Yes

134) If other financial benefit, please specify:

Law no. 8737 dated 12. 02. 2001 "On organization and functioning of the Prosecutor's Office in the Republic of Albania", in its Chapter VII provides for the right of the prosecutor to special protection, the right of the prosecutor to treatment in cases of freedom violation, the right of the prosecutor to housing and transfer expenses:

Article 35: The prosecutor is also entitled to have this special personal protection for his family and property, if necessary in the circumstances of a serious threat to the exercise of his duty.

Article 41: In cases when the prosecutor is detained and the security measure of "arrest in prison" is imposed against him or he is sentenced to imprisonment, he shall stay in premises without other persons, unless he waves this right in writing;

Article 48:

1-A prosecutor enjoys the right of advance payment or full reimbursement of his expenses for his transfer and of his family and the transport of household furniture, when he is promoted or transferred to another district for reasons not related to disciplinary action .

2 - He does not benefit this right when transferred at his own request.

135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	No
Research and publication	Yes	No
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	Yes
Other function	Yes	No

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

Prosecutors have also the possibility to work in the Ministry of Justice or other justice institutions; their status is maintained for a period of four years. Prosecutors may create and participate in associations, similar like judges.

137) Can public prosecutors combine their work with any of the following other functions ?

--	--	--

Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

Law no. 8737 dated 12. 02. 2001 "On organization and functioning of the Prosecutor's Office in the Republic of Albania" regulates the exercise of prosecutors' activity through certain allowances and restrictions, namely: Article 38 provides that the prosecutor is free to participate in associations or non-profit organizations or activities aiming at the observance of ethical rules or professional advancement. A prosecutor is prohibited to participate in strikes.

Article 39 provides as follows:

1. Prosecutors are prohibited to join political parties or participate in activities of political nature.
2. The function of the prosecutor is incompatible with running and any electoral mandate, duty or public activities, with the exception of educational and teaching activities regulated by the order of the Attorney General.
3. The prosecutor's double employment is prohibited, except for activities permitted under paragraph 2 of this article.
4. A prosecutor is prohibited from taking part in the governing bodies of commercial companies.

Article 44, "Maintenance of the prosecutor's status" provides:

1. At the request of the institutions and with their consent, prosecutors may serve for a term up to 4 years in professional-legal structures of the General Prosecutor's Office, Ministry of Justice, as lecturers or directors at the School of Magistrates. At the end of this term, upon their request they shall be re-appointed as prosecutors, without competition, to the position they have had.
2. The financial treatment of the prosecutors shall be done by the respective institutions, giving them the highest salary between the two salaries.
3. The service period is recognized as a period of seniority in the profession as a prosecutor, for purposes of salary and professional career.

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

- Yes
 No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Citizens
 Relevant Court or hierarchical superior
 High Court / Supreme Court
 High Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other?
 This is not possible

If "executive power" and/or "other", please specify:

According to the article 34 of the Law no. 9877 , dated 18.02.2008 "Organization of judicial power in the republic of Albania " ,the right to launch disciplinary proceedings against the judge in the High Council of Justice is The Minister of Justice.

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

Article 8, paragraph "h" of the Law no. 8737 dated 12. 02. 2001 "On organization and functioning of the Prosecutor's Office in the Republic of Albania" provides for the authority of the Attorney General to order the conduct of inspections for the initiation of disciplinary proceedings and decide on disciplinary measures, and order the initiation of criminal proceeding against prosecutors;

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?

If "executive power" and/or "other", please specify:

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	NA	8
1. Breach of professional ethics	NA	NA
2. Professional inadequacy	NA	7
3. Criminal offence	NA	1
4. Other	NA	NA

Comment :

Regarding to the prosecutors :

Eight disciplinary proceedings were initiated for the year 2010. In one case, a criminal proceeding was initiated against the prosecutor on the grounds of corruption, while for seven other cases; the disciplinary proceedings were initiated after the criminal records check by the Inspection Department prosecutors.

145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	NA	8
1. Reprimand	NA	4
2. Suspension	NA	NA
3. Removal of cases	NA	NA
4. Fine	NA	NA
5. Temporary reduction of salary	NA	NA
6. Position downgrade	NA	NA
7. Transfer to another geographical (court) location	NA	NA
8. Resignation	NA	NA
9. Other	NA	4

Comment :

There were 8 cases of disciplinary proceedings initiated against prosecutors, where 4 of them were reprimand because they were minor once, while , for the 4th other prosecutors was decided dismissal .

1. By Decree of the President of the Republic dated 24.02.2010 No 6435, Aleksander Plepi, prosecutor at the District Prosecutor's Office of Tirana was dismissed from office (Article 33, letter "ç").

On violations in the investigation and trial of some criminal proceedings

On the offense of "illegal exercise of influence against persons exercising public functions."

2. By order no. of the Attorney General, the prosecutor Ilir Gjevori at the Judicial District Prosecutor's Office of Elbasan was dismissed from office (Article 33, letter "ç").

On criminal proceedings, investigations of which are associated with delays in contravention to the provisions of article 323 of the Criminal Procedure Code.

On keeping of certain files in the safe without performing any investigation.

3. By order no.81, dated 16.04.2010 of the Attorney General, Ilir Turja, prosecutor at Durres District Prosecutor's Office, due to violations committed, has been subject to disciplinary measure of "warning remark for dismissal from office of the prosecutor" (article 32 paragraph "b" and article 33 paragraph 1 letter "a").

"On filing a notice of offenses and the name of the person that is attributable to the offense".

Delays in investigation and their completion.

4. By Order No.82, dated 16.04.2010 of the Attorney General, Dritan Gina, prosecutor at Durres District Prosecutor's Office, due to violations committed, has been subject to disciplinary measure of "warning remark for dismissal from office of the prosecutor" (article 32 paragraph "b" and article 33 paragraph 1 letter "a").

"On filing a notice of offenses and the name of the person that is attributable to the offense." On failure to discharge his duty in respect of delegations to investigative actions to judicial police officers (failure to compile orders for implementation of investigative operations).

5. By Order No 83, dated 16.04.2010 of the Attorney General, Ilir Turja, prosecutor at Durres District Prosecutor's Office, due to violations committed, has been subject to disciplinary measure of "warning remark for dismissal from office of the prosecutor" (article 32 paragraph "b" and 33 paragraph 1 letter "a").

"On lack of seriousness in the investigation and timely assessment of facts in criminal proceedings followed, bringing for trial cases that were subject to amnesty by law No.9678 dated 13.01.2007" On Amnesty "
Unjustified delays in preliminary investigations of dismissed criminal cases.

Disciplinary proceedings in 2008.

1. By order No. 41 dated 08.02.2008 of the Attorney General, Agron Bushati, prosecutor at the Judicial District Prosecutor's Office of Shkodra, due to violations committed, has been subject to the disciplinary measure of "lower rank assignment to the office of the judicial police officer for a period of up to one year " (Article 33, letter "c").

On keeping of certain files in the safe without performing any investigation.

2. By decree of the President No.5705 dated 07.05.2008, Bujar Çiçi, prosecutor at the Judicial Prosecutor's Office of Kruje, is dismissed from office (Article 33, letter "ç").

On violations reported in the investigation and trial of certain criminal proceedings

3. By decree of the President of the Republic No.5714 dated 09.05.2008, Musa Mulkurti, prosecutor at the Judicial District Prosecutor's Office Kavaja, was dismissed from office (Article 33, letter "ç").

On bribery.

4. By decree of the President of the Republic No.5824 dated 28.07.2008, Rita Gjati, prosecutor at the District Prosecutor's Office of Saranda, was dismissed from office (Article 33, letter "ç").

On violations reported in the investigation and trial of certain criminal proceedings

E.3

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

Comments to the question 143

The prosecution council carries out advisory functions, in support to the Attorney General. The Prosecution Council exercises the following powers:

Organizes the competition for the appointment of candidates for prosecutors and gives an opinion to the Attorney General on the appointment of prosecutors in duty, their dismissal, and any other initiatives of disciplinary nature, examines the job evaluation of prosecutors and submits for approval to the Attorney General the report on final evaluation of professional skills of the prosecutors. He gives an opinion to the Attorney General on promotion of prosecutors, transfer (parallel assignment or similar changes), and nominations of directors of prosecutor's offices and their deputies, introducing his opinion on candidates after their application process, investigates complaints for the evaluation of prosecutors and may refuse or is entitled to commence a review of assessment, which is not accepted by the relevant prosecutor according to the rules laid down by the Attorney General (Article 10 of Law no. 8737 dated 12.02.2001 "On organization and functioning of the Prosecutor's Office in the Republic of Albania").

Please indicate the sources for answering questions 144 and 145

General Prosecutor's Office

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

5 025

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes

No

148) Number of legal advisors who cannot represent their clients in court:

NA

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

Civil cases?

Criminal cases - Defendant?

Criminal cases - Victim?

Administrative cases?

There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

Lawyers do not have any monopoly of representation in the District Court and Appellate Court, while the representation by the lawyer is mandatory in the High Court based on the case law established by the Constitutional Court of the Republic of Albania.

150) Is the lawyer profession organised through? (multiple options possible)

a national bar?

a regional bar?

a local bar?

151) Is there a specific initial training and/or examination to enter the profession of lawyer?

Yes

No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

Yes

No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

If yes, please specify:

F.1

Please indicate the sources for answering questions 146 and 148:

Comments for interpreting the data mentioned in this chapter:

F.1 - National Bar Association

Question 146: Lawyers practicing the profession for 2011 are 1520. The number changes every due to the movement of lawyers from the legal profession to the public administration or judiciary and vice versa

Question 146: The numbers given in 2008 and 2010 - those include practicing and not-practicing (non active) lawyers, meaning that they all do possess the license of lawyer/certificate but only a part of them are practicing (those who not practice are judges/prosecutors/lawyers in public administration, practicing lawyers which do switch and work in the judiciary or for the public administration etc.

the increasing number can be justified with their interest to have the bar exam done after finishing the university or while working in the public administration - the law allows this!

Question 146 : There are much more universities of Law, public and private ones, this is the reason of the increase.

Regarding the questions 151 and 152 , National Chamber of Advocacy has started in 2011 a pilot project with USAID for the training of lawyers and assistant lawyers in Vlore and Durres. In the MoU signed with with USAID, is foreseen that the continues legal education of lawyers and assistant lawyers would be mandatory nation wide by 2013, after the approval of the legal amendments by the Albanian Parliament.

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

Yes

No

155) Are lawyers' fees freely negotiated?

Yes

No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes laws provide rules

Yes standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

F.2

Useful comments for interpreting the data mentioned in this chapter:

Comments to the question 154: Lawyers cannot request any other compensation, unless it is agreed before with the client or is determined by law. Additionally, in Art.12 of the Law "On Advocacy" it is stated that lawyers are not allowed to request from their clients compensation in percentage during the representation period. Such compensation is allowed, only if it is stipulated by the parties (lawyers and client) before in an agreement and in case of successfully decision for the client.

Comments to the questions 154 and 155 :

There is a agreement/order signed in 2005, between the Ministry of Justice , the Ministry of Finance and the National Bar Association, which has stipulated the minimum tariffs for the legal services.

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

- Yes
 No

If yes, what are the quality criteria used?

There are quality standards established by the Law, the National Association Bar and by the Ethic Code .

158) If yes, who is responsible for formulating these quality standards:

- the bar association?
 the Parliament?
 other?

If "other", please specify:

Law "On Advocacy"; Code of Ethics drafted by the National Chamber of Advocacy. To continuously participate in trainings seminars; have continuously knowledge of the case-law; maintaining secrecy; avoiding conflict of interests; integrity and loyalty when representing the clients; maintaining records of the services provided to their clients etc.

159) Is it possible to file a complaint about :

- the performance of lawyers?
 the amount of fees?

Please specify:

Complains about the performance and fees can be issued to the chairman of the regional chamber, in which the lawyer is registered. The chairman shall direct the complaint to the National Chamber of Advocacy (ad hoc composed verification commission) within 5 days. The ad hoc verification commission may dismiss the complaint or direct it to the disciplinary commission of the National Chamber of Advocacy for decision.

160) Which authority is responsible for disciplinary procedures?

- the judge
 the Ministry of justice
 a professional authority
 other

If other, please specify:

Chamber of Advocacy (Disciplinary commission).

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	NA	NA	NA	NA	NA

Comment :

Only 30 per cent of the complaints that had been received in 2010 (numbering some 80 or so in total) complied with formal requirements stipulated by the Law and the Code of Ethics and were therefore valid.

National Chamber of Advocacy has proposed legal amendments (new disciplinary structures) to the Ministry of Justice for addressing the main problems identified:

- provision for sub-committees of the commission for verification of the complaints was very difficult to constitute in

practice, and productive of delay;

- difficulties that the ANCA had in complying with the time limits set out in the Law on the Legal Profession;
- the system was perceived to be lacking in independence from the legal profession;
- clients and advocates complained about a lack of information on the system.

The problem about non-compliant complaints is addressed in the legal amendments by the employment of a Complaints Commissioner who will be able to receive complaints, explain the processes involved to complainants, and ensure that valid complaints are properly evidenced and admitted. The role of the Complaints Commissioner needs to be established in the Law on the Legal Profession to receive any complaints which are addressed, in the first instance, to the Chairman of the ANCA.

The problems about perceived lack of independence are addressed by including lay personnel in the disciplinary bodies. This would improve transparency and public confidence. Representatives from academia and society are foreseen to be included in the important bodies.

162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	NA	NA	NA	NA	NA	NA

Comment :

The system has not been effective. The National Bar Association has taken the initiative to make amendments to the Law to reform the disciplinary structure. In order to be transparent, has to take part in this structure a representative from civil Society. Most of complaints addressed to the lawyers are terminated only by drawing the attention to the lawyer and the case has never been brought for trial.

F.3

You can indicate below any useful comments for interpreting the data mentioned in this chapter

Comments to the question 158:

Law "On Advocacy"; Code of Ethics drafted by the National Chamber of Advocacy. To continuously participate in trainings seminars; have continuously knowledge of the case-law; maintaining secrecy; avoiding conflict of interests; integrity and loyalty when representing the clients; maintaining records of the services provided to their clients etc.

comments to the question 160:

Chamber of Advocacy (Disciplinary commission).

7. Alternative Dispute Resolution

7. 1. Alternative Dispute Resolution

7. 1. 1. Alternative Dispute Resolution

163) Does the legal system provide for mediation procedures? If no skip to question 168

[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]

- Yes
 No

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	No	Yes	No	Yes	No
Family law cases (ex. Divorce)	No	Yes	No	Yes	No
Administrative cases	No	Yes	No	Yes	No
Employment dismissals	No	Yes	No	Yes	No
Criminal cases	No	No	No	Yes	No

165) Is there a possibility to receive legal aid for mediation procedures?

- Yes
 No

If yes, please specify:

166) Number of accredited or registered mediators who practice judicial mediation:

NA

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)	NA
1. civil cases	NA
2. family cases	NA
3. administrative cases	NA
4. employment dismissals cases	NA
5. criminal cases	NA

Comment :

We do not have yet statistic on the number of dispute cases that have been solved on mediation

168) Does the legal system provide for the following ADR.

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	No

Conciliation?	Yes
Other alternative dispute resolution?	Yes

Comment :

G.1

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Comments to the question 166:

No statistic jet, because with the approval of the new law on mediation nr. 10348/2011 "On mediation for the resolution of disputes ", there still ongoing the procedures for the licensing of private mediator .

Please indicate the source for answering question 166:

Ministry of Justice

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

180

171) Are enforcement agents (multiple options are possible):

- judges?
 bailiffs practising as private professionals under the authority (control) of public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

Bailiff working in a public institution; are natural persons employed by the State and performing their duties regarding the enforcement of executive titles in accordance with the procedural law. According to the criteria defined in section 14, 15, 16 of law no. 8730, dated 18.01.2001 "On organization and functioning of the Bailiff Service." Rights and obligations are provided in Article 20, 21 of this Law.

Private Judicial Bailiff; an independent natural person carrying out its enforcement activity in compliance with the procedural law; exercising an independent authorized function of public nature under his own responsibility (distinction to the bailiffs working in a public institution).

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
 No

Please indicate the source for answering question 170:

The General Directorate of the Bailiff and the Ministry of Justice

Comment to the question 174:
the answer is NA

Comment to the question 175 :
Regarding the state enforcement's service the answer is NO;
Regarding the private enforcement's service the answer is YES

Question 170: Number of bailiffs has increased due to implementation of reform undertaken by the Ministry of Justice, to improve the system of execution of court decisions through the establishment and functioning of the institute of private bailiff service. Thus, during 2010, pursuant to Law 10,031 / 2008 "On the private bailiff service", are 62 licensed private bailiffs who carry out their activity in addition to state court bailiffs.

8. 1. 2. Efficiency of enforcement services**177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

- Yes
 No

178) Which authority is responsible for supervising and monitoring enforcement agents?

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?

Law "On State Enforcement Service"; Law "On Private Enforcement Service"; Code of Ethics drafted by General Bailiffs Department together with the Ministry of Justice; which is the implementation of the Rec(2003)17 Council of Europe on enforcement and is applicable for all Bailiffs.

180) If yes, who is responsible for establishing these quality standards?

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- Yes

No

if yes, please specify

182) Is there a system for monitoring the execution?

Yes

No

If yes, please specify

Referring to Law no. 8730, dated 18.01.2001 "On organization and functioning of the Bailiff Service", it provides administrative monitoring of the implementation of judicial decisions under Article 610 of the Code of Civil Procedure, foreseen judicial monitoring of their implementation.

183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

no execution at all?

non execution of court decisions against public authorities?

lack of information?

excessive length?

unlawful practices?

insufficient supervision?

excessive cost?

other?

If other, please specify:

184) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

Yes

No

If yes, please specify:

Establish of the new private judicial enforcement service (Law nr.10031 date 11.12.2008). Private Judicial Bailiffs exercise an independent function of public nature under their own responsibility. Enforcement activities are regulated by the procedural law.

On the execution of judicial decisions of public authorities is approved instruction no. 2, dated 08.18.2011 "On the execution of the monetary obligations of budgetary institutions on behalf of the Treasury"

185) Is there a system measuring the timeframes of the enforcement procedures:

for civil cases?

for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more

If more, please specify

187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	6
1. for breach of professional ethics		NA
2. for professional inadequacy		NA
3. for criminal offence		NA
4. Other		NA

Comment :

6 disciplinary proceedings are applied against enforcement agents for 2011.

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	NA
1. Reprimand	NA
2. Suspension	NA
3. Dismissal	NA
4. Fine	NA
5. Other	NA

Comment :

H.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

Please indicate the source for answering the questions 186, 187 and 188:

by General Bailiffs Department

8. 2. Execution of decisions in criminal matters

8. 2. 1. Execution of decisions in criminal matters

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

Referring to Law no. 8331, dated 21.04.1998 "On the execution of of penal decisions", amended, the authorities responsible for enforcement of of penal decisions are: Prosecutor, Prison Service, Probation Service and judicial bailiff for the assigned civil obligation in the penal decision.

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

Yes

No

191) If yes, what is the recovery rate?

80-100%

50-79%

less than 50%

it cannot be estimated

Please indicate the source for answering this question:

H.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years

9. Notaries

9. 1. Notaries

9. 1. 1. Notaries

192) Do you have notaries in your country? If no go to question 197

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

- | | | |
|--|--|-----|
| private professionals (without control from public authorities)? | <input type="checkbox"/> number | |
| private professionals under the authority (control) of public authorities? | <input checked="" type="checkbox"/> number | 320 |
| public agents? | <input type="checkbox"/> number | |
| other? | <input type="checkbox"/> number | |

Comment :

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
 in the field of legal advice?
 to certify the authenticity of legal deeds and certificates?
 other?

If "other", please specify:

According to the article 22 of the law no.7829, dated 01.06.1994 "On Notaries"

195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

I.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

Regarding the data presented above , we may say that the Registry Maintenance Office was established last year at MOJ. This office keeps detailed data in the manual and electronic form of all notaries, their personal dossiers, data on addresses, disciplinary measures etc. Finally , The Ministry oh Justice took the initiative to undertake a profound reform of notary system to create electronic register of all notarial acts and actions (not yet implemented), giving access to Notaries to electronic registry system of real estates , etc..

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Court interpreters

197) Is the title of court interpreters protected?

- Yes
 No

198) Is the function of court interpreters regulated by legal norms?

- Yes
 No

199) Number of accredited or registered court interpreters:

148

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

- Yes
 No

If yes, please specify (e.g. having passed a specific exam):

The Ministry of Justice organizes the competition for translators' vacancies and after the evaluation; it announces the winners who obtain a license to exercise their activity.

The Criminal Procedure Code establishes that the translators are warned of their obligation to make an accurate translation and to keep the secrecy of actions performed in his presence. Thereafter, he is invited to perform this duty.

201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.

- Yes for recruitment and/or appointment for a specific term of office
Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No

Comment :

The Ministry of Justice sends the interpreters' lists to courts and the judges, on a case by case basis, shall designate one or more interpreters from this list to perform the required services.

Please indicate the sources for answering question 199:

Ministry Justice and Legislation in force (Civil Procedure Code, Criminal Procedure Code)

J.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 199:

Ministry of Justice

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

203) Is the title of judicial experts protected?

- Yes
- No

204) Is the function of judicial experts regulated by legal norms?

- Yes
- No

205) Number of accredited or registered judicial experts (technical experts)

1 790

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:
According the Article 185 of criminal procedural code:

The expertise report

1. The opinion of expert is provided in writing.
2. When the appointed experts are more than one and they have different opinions, each of them shall give his own opinion by a separate act.
3. In case there are a lot of facts and the expert cannot answer immediately, the proceeding authority gives him a period of time not exceeding sixteen days. In case he needs to make some very complex verifications, this term may be prolonged more than once for periods of times not longer than thirty days, but in any case without exceeding the maximum of six months.

207) Are the courts responsible for selecting judicial experts?

If no, please indicate in the "comment" box below which authority selects judicial experts?

- Yes for recruitment and/or appointment for a specific term of office
- Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No .

Comment :

According the Article 179 of criminal procedural code:

Assignment of expert

1. The assignment of expert is made by selecting him amongst the persons registered in the special books or amongst them who have special knowledge on this matter. When expertise shall be declared null and void the, proceeding organ takes the measures, when possible, that the new assignment is trusted to another expert.

K.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 205:

Ministry of Justice

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crime and prison system**
- 10. Other**

All the foreseen reform plans regarding the functioning of justice are established by Decision no. 519 dated 20.7.2011

cf. Action Plan for sectorial justice strategy